

**AN ORDINANCE TO AMEND ARTICLE IV, ARTICLE IVA,  
ARTICLE V, ARTICLE VI AND ARTICLE VII OF CHAPTER 136 OF THE  
CODE OF THE CITY OF SARATOGA ~~SPRINGS~~SPRINGS, ENTITLED,  
RESPECTIVELY, "SIDEWALK CAFES", "TEMPORARY OUTDOOR  
SEATING AREAS", "INSPECTIONS OF PREMISES" AND "EXPIRATION  
AND RENEWAL OF PERMITS"**

**SECTION 1. Article IV of Chapter 136 of the Code of the City of Saratoga Springs, entitled "Lodging and Eating and Drinking Establishments - Sidewalk Cafes" is hereby amended to read (new material underlined, old material in brackets):**

**Article IV Sidewalk Cafes**

**§ 136-24 Definitions.**

For purposes of this article, the term "sidewalk cafe" shall mean any service of food and/or drink operated, in whole or in part, on a sidewalk or other public property of the City of Saratoga Springs. The regulations in this article shall be in addition to and not in limitation of other regulations in this chapter.

**§ 136-25 Sidewalk cafe permit required.**

Any person, firm or corporation may operate a sidewalk cafe (hereinafter called "cafe") within the City of Saratoga Springs on any sidewalk within the public right-of-way adjacent to the applicant's place of business upon obtaining a sidewalk cafe permit from the Commissioner of Accounts [(hereinafter called "Commissioner")] of the City of Saratoga Springs.

**§ 136-26 Application for permit; fee.**

Each applicant for a sidewalk cafe permit under this article shall submit [four] a [copies] rendering of the plans for a sidewalk cafe to the Commissioner of Accounts, together with a nonrefundable fee of \$15. Such plans shall show:

**A.**

Has met all the application requirements for an eating and drinking establishment license.

**B.**

Has obtained the approval of the Building Inspector for any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk café. No such railing, flooring or other support or enclosure shall be considered an erection of, an addition to, or a structural alteration of a building or structure unless such railing, flooring, or other support or enclosure is permanently attached to such building or structure.

[Amended 9-4-2012 by L.L. No. 2-2012]

**C.**

For sidewalk cafes that did not have a valid sidewalk café permit on or before July 1, 1992, beginning on January 1, 1993, has obtained the approval of the Design Review [Commission] Board (DRB) if the sidewalk café is located in the public right-of-way within any area designated in § 240-7.5.12 (Architectural review districts). The DRB shall use the review criteria for such plans relating to a sidewalk cafe's specific location, size and structure for its compatibility of scale, design and material as set forth in either § 240-7.4 or 240-7.5, whichever is applicable. The DRB shall only have advisory review over colors used for the sidewalk café. Any alteration in the plans for a sidewalk café requires approval from the DRB. Once approval is granted by the DRB, the approved plans are valid and do not require annual approval. The DRB shall only review applications which have the written approval from the Departments of Public Works and Public Safety and the Building Department as specified in § 136-26. Unless this chapter is amended in the future, all sidewalk café structures that have a valid sidewalk café permit on or before July 1, 1992, shall not be subject to the approval of the DRB, except that all modifications to such structures shall be subject to the approval of the DRB.

[Amended 9-4-2012 by L.L. No. 2-2012]

**D.**

For sidewalk cafes that did not have a valid sidewalk cafe permit on or before July 1, 1992, beginning on January 1, 1993, that the applicant has obtained the approval of the [Commission] Board DRB) if the sidewalk cafe is located in the public right-of-way within any area designated in § 240-7.20 (City landmark or historic districts) or § 240-8.14 (Architectural review districts). The DRB shall use the review criteria for such plans relating to a sidewalk cafe's specific location, size and structure for its compatibility of scale, design and material as set forth in either § 240-7.10 or 240-8.9, whichever is applicable. The DRB shall only have advisory review over colors used for the sidewalk cafe. Any alteration in the plans for a sidewalk cafe requires approval from the DRB. Once approval is granted by the DRB, the approved plans are valid and do not require annual approval. The DRB shall only review applications which have the written approval from the Departments of Public Works and Public Safety and the Building Department as specified in § 136-24. Unless this chapter is amended in the future, all sidewalk cafe structures that have a valid sidewalk cafe permit on or before July 1, 1992, shall not be subject to the approval of the DRB, except that all modifications to such structures shall be subject to the approval of DRB.

**E.**

Has complied with all rules, regulations and specifications promulgated by the Commissioner of Accounts pursuant to this article.

**§ 136-27 Review of application.****A.**

Before any sidewalk cafe permit is issued pursuant to this article, the plans submitted to the Commissioner of Accounts, pursuant to this article, shall be referred to the Commissioners of Public

Safety and Public Works and the Building Department, who shall recommend approval, disapproval or modification of said plans. For sidewalk cafes that did not have a valid sidewalk cafe permit on or before July 1, 1992, beginning on January 1, 1993, a sidewalk cafe in the public right-of-way within the T-6 Zoning District shall be located in such a position that will allow the maintenance of at least eight feet of unobstructed (for a height of seven feet) hard-surfaced sidewalk between the sidewalk cafe and any, tree, bench, pole, post, sign, flower bed, news rack or other obstacle in the public right-of-way. The sidewalk cafe shall be located only in front of the establishment that is owned or leased by the licensee and shall not extend more than 10 feet from the facade of the building and, in any case, shall not extend on the east side of Broadway more than 35% and on the west side of Broadway not more than 55% of the total width of the sidewalk measured from the property line to the edge of the street pavement. Except for properties fronting on Broadway, the Commissioners of Public Works and Public Safety and the Building Department may, in their sole judgment, reduce the required eight feet of unobstructed sidewalk to five feet, provided that the sidewalk cafe does not extend more than 60% of the total width of the sidewalk measured from the property line to the edge of the street pavement. Unless this article is amended in the future, all cafe structures that have a valid sidewalk cafe permit on or before July 1, 1992, shall not be subject to these siting criteria, except that all modifications to such structures shall be subject to the siting criteria.

**B.**

No signs shall be hung or attached to any portion of the sidewalk cafe, except those signs on an awning that are in compliance with provisions set forth in Chapter 240-6.1.

[Amended 9-4-2012 by L.L. No. 2-2012]

**C.**

The Commissioners of Public Safety and Public Works and the Building Department may impose any other restriction on the location, size or design of the sidewalk cafe that, in their sole judgment, protects the health, safety and welfare of the public.

**§ 136-28 Conditions for issuance of permit; fee.**

Upon approval by the Commissioner of the plans submitted by the applicant pursuant to § **136-26**, the Commissioner shall issue a sidewalk cafe permit, valid for a period between April 1 and **[October 31]** **[November 1]** of a calendar year, to the applicant upon the payment to the Commissioner by the applicant of an annual license fee **[of \$50 and]** upon the applicant furnishing to the City of Saratoga Springs the following:

**A.**

An agreement by the applicant to repair, at the expense of the applicant, any damage caused to the sidewalk in the operation of the sidewalk cafe. The Commissioner of Accounts may require a bond, in an amount to be fixed by the Commissioner, to be filed by the applicant.

**B.**

Written authorization for the location, size or design from the Department of Public Works, Department of Public Safety, the Building Department and the Design Review [Commission] Board.

**C.**

Proof that the applicant has been issued an eating and drinking establishment permit by the City of Saratoga Springs under Article **II** of this chapter.

D. Fees shall be established from time to time by the City Council for the licensure of sidewalk cafes. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's webpage.

E. Payment of the applicable fee under this section shall be due upon filing or renewal of the sidewalk café annual license.

**§ 136-29 Sidewalk cafe regulations.**

A sidewalk cafe authorized and operated pursuant to this article shall:

**A.**

Comply with all plans submitted to and approved by the Commissioner of Accounts under § **136-26** of this article.

**B.**

Serve no alcoholic beverages on or at any sidewalk cafe after 2:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 2:30 a.m. and not begin until 8:00 a.m.

**C.**

By no later than 2:30 a.m., remove all patrons from the sidewalk cafe and, by no later than the closing of the establishment, have all furniture, utensils, containers or any other materials used in the operation of the sidewalk cafe or within the area used by the sidewalk cafe removed from the sidewalk cafe area, provided that any railing, flooring or other support or enclosure used in the assembly, operation or enclosure of the sidewalk cafe may be allowed to remain on the sidewalk area if specifically permitted in the Commissioner's approval of the sidewalk cafe plans under Subsection **A** above. No sidewalk cafe shall remain open after 2:30 a.m.

**D.**

Remove all sidewalk cafe structures by **[October 31] November 1** and not install prior to April 1 in any year for which a license is granted.

**E.**

No music, from whatever source (acoustical, electric or other), may be played on the premises outdoors between the hours of 12:00 midnight and 8:00 a.m.

**F.**

Prominently display its certificate from the New York State Department of Health.

**G.**

If applicable, prominently display at all times all licenses and authorizations issued by the New York State Liquor Authority for the dispensing and sale of alcoholic beverages.

**H.**

Comply with all other provisions of the Code of the City of Saratoga Springs.

**§ 136-30\_Promulgation of rules and regulations and specifications.**

The Commissioner is hereby authorized to regulate the operation of sidewalk cafes through the promulgation of appropriate rules and regulations and specifications.

**§ 136-31(Reserved)**

**§ 136-32 Sale and consumption of alcoholic beverages.**

The area encompassed within a sidewalk cafe authorized pursuant to this article shall be considered duly licensed for sale and consumption of alcoholic beverages and shall not be subject to Chapter **61**, Alcoholic Beverages, of the Code of the City of Saratoga Springs.

**§ 136-33(Reserved)**

**SECTION 2. Article IVA of the Code of the City of Saratoga Springs, entitled "Lodging and Eating And Drinking Establishments - Temporary Outdoor Seating Area Permits" is hereby amended to read (new material underlined, old material in brackets):**

Article IVA. **Temporary** Outdoor Seating Area Permits

[Added 6-16-2020; amended in its entirety 3-15-2022]

**§ 136-33.1. Purpose and intent.**

[The ongoing COVID-19 pandemic has caused countless unforeseeable difficulties in municipalities across our nation. It is in the public interest at this time for every municipality to make reasonable accommodations and allowances for persons and businesses who have received municipal licenses, particularly when the licensed activities provide services to the public.] This article establishes rules and regulations under which the holder of a valid license for an eating and drinking establishment under Article **II** of this chapter may apply for a permit to use, [for a temporary period of time as stated herein,] certain specified public property

of the City of Saratoga Springs as an [temporary] outdoor seating area for said eating and drinking establishment.

**§ 136-33.2. Construction with other laws.**

The rules and regulations established in this article shall be in addition to and not in limitation of the other articles in this chapter. If any rule or regulation in this article shall be in conflict with any other rule or regulation elsewhere in this chapter, as said rules or regulations may be applicable to a temporary outdoor seating area permit as herein described, the rules and regulations of this article shall have priority.

**§ 136-33.3. Establishment of [temporary] outdoor seating areas.**

[Amended 7-5-2022; 5-16-2023]

The City Council hereby designates the Commissioner of Accounts, with the advice and consent of the Commissioner of Public Works, as the officials who together shall have authority to establish areas of public property, including but not limited to sidewalks, [as well as privately owned parking facilities and privately owned lands immediately contiguous to eating and drinking establishments licensed under this chapter when such privately owned parking lots and privately owned lands have been opened to and made accessible to the general public,] for use by licensed eating and drinking establishments as temporary outdoor seating areas. [Temporary] Outdoor seating areas shall operate in compliance with the New York State Uniform Codes, the Americans with Disabilities Act,<sup>[1]</sup> and the applicable provisions of the Code of the City of Saratoga Springs. [Notwithstanding any other provision of this article, all licenses for temporary outdoor seating areas issued for privately owned parking facilities and privately owned lands shall expire at 12:00 midnight on November 1, 2023.]

[1]

*Editor's Note: See 42 U.S.C. § 12101 et seq.*

**§ 136-33.4. Application for permit.**

Any person or legal entity who is the holder of a valid license for an eating and drinking establishment issued pursuant to Article II of this chapter may make application to operate an [temporary] outdoor seating area, in connection with said eating and drinking establishment. The application shall be in writing on forms provided by the Department of Accounts, and shall contain the following:

A.

Name, physical address, mailing address, email address, and telephone number of the eating and drinking establishment.

B.

Name, physical address, mailing address, email address, and telephone number of the applicant.

C.

An accurate drawing showing the location, dimensions, and barriers of the [temporary] outdoor seating area requested, location of tables, location of seats, distance between tables and seats, aisles, entrances and exits, and location and specification of emergency fire equipment.

D.

A narrative summary of the services to be provided.

E.  
Verification of any required submission to the State Liquor Authority for the expanded area, including but not limited to a supervision and control plan.

F.  
Proof of insurance as set forth in § 136-33.6.

#### § 136-33.5. Review of applications.

[Amended 11-1-2022]

A.  
Applications shall be submitted to the Department of Accounts for review. Upon receipt, the Department of Accounts shall refer the application to the [Committee on Outdoor Dining] Department of Public Works, the Department of Public Safety, and the Building Department for comments and recommendations. In addition to and not in limitation of the foregoing, the Department of Accounts shall also refer applications for locations within Architectural Review Districts, Historic Review Districts, or City Landmark Districts to the City's Design Review Board (DRB) for review. [The Committee on Outdoor Dining shall be constituted by the following members: the Battalion Chief of the Fire Department, the Director of Risk and Safety, the Department of Public Works Business Manager, a representative from the Mayor's office, and a representative from the Finance Department.] The City Council may, from time to time, establish a Committee on Outdoor Dining to advise and assist the Department of Accounts in reviewing applications. The Department of Accounts may [then] upon review of the application and upon due consideration of comments from the forenamed officials, issue a permit, conditioned upon such reasonable limitations and requirements as it may deem necessary in the interest of public health, safety and welfare. [Final approval of permits shall be authorized by the City Council upon motion and vote.]

B.  
[For temporary outdoor dining establishments, beginning on January 1, 2023,] The applicant must obtain the approval of the Design Review Board (DRB) if the outdoor dining location is located within any area designated within an Architectural Review District, Historic Review District, or City Landmark District as described in the Unified Development Ordinance.<sup>[1]</sup> The DRB shall use the review criteria for such plans relating to an outdoor dining establishment's specific location, size and structure for its compatibility of scale, design and material as described in [§ 240-13.9 of] the Unified Development Ordinance. The DRB shall only have advisory review over colors used for the [temporary] outdoor seating locations. Any alteration in the plans for an outdoor dining location requires approval from the DRB. Once approval is granted by the DRB, the approved plans are valid and do not require annual approval. The DRB shall only review applications which have the written approval from the Departments of Public Works and Public Safety and the Building Department.

[1]

*Editor's Note: The Unified Development Ordinance is on file in the City offices.*

#### § 136-33.6. Insurance and indemnification.

No permit shall be issued until the following insurance has been provided therefor:

A.

A certificate of insurance for commercial general liability insurance, including personal injury liability insurance, in the amount of \$1,000,000 per occurrence and \$2,000,000 aggregate, naming the City of Saratoga Springs as an additional insured on a primary and noncontributory basis. The City of Saratoga Springs must be listed as the certificate holder with the physical address of Department of Accounts — Suite 14, 474 Broadway, Saratoga Springs, NY 12866.

[Amended 11-1-2022]

B.

Proof of New York State statutory workers' compensation and employer's liability insurance for all employees.

C.

If alcoholic beverages are consumed in the [temporary] outdoor seating area, a certificate of insurance for liquor legal liability insurance in the amount of \$1,000,000 bodily injury and property damage per each occurrence. Such insurance must contain a provision that the Commissioner of Accounts of the City of Saratoga Springs be notified if the policy is cancelled or if there has been a material change in coverage and/or conditions. The City of Saratoga Springs must be listed as the certificate holder with the physical address of Department of Accounts — Suite 14, 474 Broadway, Saratoga Springs, NY 12866.

[Amended 11-1-2022]

D.

The certificate of insurance must name the City of Saratoga Springs as an additional insured on a primary and noncontributory basis and shall be addressed to the attention of:

[Amended 11-1-2022]

Department of Accounts — Suite 14

City of Saratoga Springs

474 Broadway

Saratoga Springs, NY 12866

Attention: City Clerk's Office

E.

The permit holder shall acknowledge that failure to obtain such insurance on behalf of the municipality constitutes a material breach of the contract and subjects the permit holder to liability for damages, indemnification and all other legal remedies to the City of Saratoga Springs. The permit holder shall provide the City with a certificate of insurance naming the City as an additional insured on a primary and noncontributory basis prior to the issuance of any permit under this article. The failure to object to the contents of the certificate of insurance or the absence of same shall not be deemed a waiver of any and all rights held by the municipality.

F.

The permit holder shall indemnify and save harmless the City of Saratoga Springs, its agents and employees (hereinafter referred to as "City") from and against all claims, damages, losses and expenses (including, but not limited to, attorneys' fees) arising out of or resulting from the permitted activity, sustained by any person or persons, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease, or death, or to any injury or destruction of property caused by the tortuous act or negligent act or omission of the permit holder or the permit holder's employees, agents or subcontractors.



§ 136-33.7. Regulations.

An [temporary] outdoor seating area permitted under this article shall be subject to the following regulations:

A.

The permit holder shall accept the [temporary] outdoor seating area as is, and shall maintain the area and keep it clean and free of debris and impediments.

B.

The permit holder shall clean up and dispose of all garbage and debris throughout the use of the allocated space and at the end of each business day.

C.

The permit holder shall immediately notify the City of any defects or deficiencies in the surface of the [temporary] outdoor seating area and adjacent curbs and walkways.

D.

Serve no alcoholic beverages in the [temporary] outdoor seating area after 2:00 a.m. or before 8:00 a.m. All service of any kind whatsoever shall cease at 2:30 a.m. and not begin until 8:00 a.m.

[Amended 11-1-2022]

E.

All persons must vacate the [temporary] outdoor seating area no later than the close of business each evening, and, if so required by the terms of the permit, all furniture, barriers, utensils, and other material and equipment used for the [temporary] outdoor seating area must be removed from the area or properly secured no later than the close of business each evening.

F.

Upon expiration of the permit, all elements of an [temporary] outdoor seating area shall be removed and the area shall be returned to its original state.

G.

No music from any source shall be played [at any time.] between the hours of 12:00 midnight and 8:00 AM, or at any other time that is prohibited by condition of the permit.

H.

No smoking shall be allowed at any time.

I.

Copies of all certificates held by the permit holder from the New York State Department of Health, the New York State Liquor Authority, and the City of Saratoga Springs shall be prominently displayed in the seating area.

J.

The permit holder shall comply with all provisions of the Code of the City of Saratoga Springs.

K.

No signs shall be hung or attached to any portion of the outdoor seating area. Licenses and authorizations required to be posted for business operations and street addresses are not considered signage.

L. Outdoor seating areas, including associated furniture, shall be located in such a position that will allow the maintenance of at least five feet of unobstructed (for a height of seven ~~feet~~<sup>0-feet</sup>) hard-surfaced sidewalk for a clear pedestrian through zone. The pedestrian through zone is the primary, accessible pathway on the sidewalk that runs parallel to the street.

**§ 136-33.8. Promulgation of rules and regulations and specifications.**

[Added 11-1-2022]<sup>[1]</sup>

The Commissioner of Accounts is hereby authorized to regulate the operation of temporary outdoor seating areas through the promulgation of appropriate rules, regulations, and specifications.

[1]

*Editor's Note: This ordinance also renumbered former §§ 136-33.8 through 136-33.11 as §§ 136-33.9 through 136-33.12, respectively.*

**§ 136-33.9. Status of permit; revocation.**

A permit issued pursuant to this article shall constitute a revocable license to temporarily occupy a designated area of public property during a period of emergency. It confers no vested rights of any kind and it may be revoked at any time upon action of the City Council repealing this article or upon a finding of the designated permit issuing official, after due process, for any of the following reasons:

A.

That the permit holder has violated any provision of this article or this chapter.

B.

That the permit holder has violated any provision of the New York State Building and Fire Codes.

C.

That the permit holder has not maintained required insurance.

D.

That the permit holder has not complied with an imposed requirement, condition, or regulation.

E.

Any other conduct which evidences the inability of the permit holder to safely occupy the [temporary] outdoor seating area.

F.

That, regardless of any conduct on the part of the permit holder, the [temporary] outdoor seating area cannot be safely occupied.

**§ 136-33.10. Duration of permit; duration of article.**

A.

All permits issued under this article shall expire at 12:00 midnight on November 1 in the year the permit is issued.

[B.]

This article shall remain in effect until 12:00 midnight on November 1, 2024, except that such date may be extended from time to time by resolution of the City Council. Reserved.

#### § 136-33.11. Fees.

A schedule of fees shall be [developed prior to each season] established from time to time by the City Council for the initial and subsequent licensure of outdoor seating areas. A schedule of all such fees will be available for review in the Office of the City Clerk and on the City's webpage. [Such schedule shall be adopted by resolution of the City Council.]

A. Payment of the applicable fee under this section shall be due upon filing or renewal of the outdoor seating areas annual license.

#### § 136-33.12. When effective.

This article shall take effect immediately upon enactment by the City Council.

**SECTION 3. Article V of Chapter 136 of the Code of the City of Saratoga Springs, entitled "Lodging and Eating and Drinking Establishments - Inspections of Premises" is hereby amended to read (new material underlined, old material in brackets):**

#### Article V. Inspections of premises

##### § 136-34. Inspections; fees.

A.

The Commissioner of Public Safety, the Fire Inspector, the Building Inspector, the Code Administrator and the City Health Officer, or their designees, shall have the authority to make lawful inspections of lodging establishments, eating and drinking establishments, cabarets, [and] sidewalk cafes, and outdoor seating areas during reasonable hours for the purpose of determining whether the provisions of this chapter are being observed.

B.

The Fire Chief, or such person as the Fire Chief may designate for that purpose, shall inspect lodging establishments, eating and drinking establishments, cabarets, [and] sidewalk cafes, and outdoor seating areas according to the provisions of the New York State Fire Code. No lodging establishment, eating and drinking establishment, cabaret, [and] sidewalk café[s], or outdoor seating area shall be operated until the Fire Chief or designee has caused inspections to be made and has determined that the establishment is in compliance. A fee shall be paid by the permit holder for each fire inspection required to determine. The amount of said fee shall be established by schedule as may be established from time to time by the City Council.

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**SECTION 4. Article VI of Chapter 136 of the Code of the City of Saratoga Springs, entitled "Lodging and Eating and Drinking Establishments- Expiration and renewal of permits" is hereby amended to read (new material underlined, old material in brackets):**

**Article VI. Expiration and renewal of permits**

**§ 136-35. Expiration of permits.**

Each permit issued under Article **I, II, III, or IV or IVA** of this chapter shall expire one year following the last day of the month in which it was issued.

**§ 136-36. Renewal of permits.**

Any permit issued under Article **I, II, or IV or IVA** of this chapter may be renewed upon receipt of a written request to the Commissioner of Accounts and approval of said request by the Commissioner, the Fire Inspector, and by either the New York State Department of Health or the New York State Department of Agriculture. Renewal requests shall also be subject to review by the Building Inspector in situations where the Building Inspector shall deem such review appropriate in the public interest. Fees for renewed permits shall be the same as for original permits. Each renewal request shall include either an affirmation by the applicant that the original floor plan is still an accurate representation of the premises, or an amended floor plan showing all changes since the filing of the original application.

**SECTION 5. Article VII of Chapter 136 of the Code of the City of Saratoga Springs, entitled "Lodging and Eating and Drinking Establishments -Revocation, Suspension and Penalties" is hereby amended to read (new material underlined, old material in brackets):**

**Article VII. Revocation, Suspension, and Penalties**

**§ 136-37. Revocation or suspension of permits.**

A.

The Commissioner of Accounts shall have authority to suspend or revoke any permit issued under Article **I, II, III, IV, or IVA** upon finding any of the following:

(1)

That the permit holder has made a false representation in the application.

(2)

That the permit holder has violated any provision of this chapter or any provision of the New York Public Health Law, New York State Building and Fire Codes, or the Sanitary Code, or any regulation or directive of the State Liquor Authority.

(3)

That the permit holder has failed to obey a lawful order or directive of the Building Inspector, Fire Inspector, or Code Administrator.

B.

The Commissioner or designee shall give notice to the permit holder of any such suspension or revocation by certified or registered mail or by delivering the notice personally. The notice shall state the reason for the suspension or revocation and shall also state that the permit holder shall have the right to request a hearing to show cause why the permit should not be suspended or revoked.

C.

Any person holding a permit issued under Article I, II, III, IV, or IVA of this chapter who shall be found guilty, either by plea of guilty or by a finding of guilt after trial, of two violations in one year of City Code Chapter 148, entitled "Noise," relative to the licensed premises, shall have his or her permit for said premises automatically revoked without further notice or hearing. Such automatic revocation shall render said person ineligible to reapply for a renewal of the revoked permit for a period of one year from the date of final disposition of the second such violation.

#### § 136-38. Penalties.

A.

Any person who, in person or by an agent or employee, shall conduct any activity described in Article I, II, III, [or] IV, or IVA without a permit, or who shall violate any of the provisions of Article I, II, III, [or] IV, or IVA, or who, having had a permit revoked or suspended, shall continue to conduct any activity described in Article I, II, III, [or] IV, or IVA shall, upon conviction, be subject to the penalties set forth in Chapter 1, General Provisions, Article III, of the Code.

**SECTION VI. This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga Springs, New York.**

Dated:

CITY COUNCIL OF THE CITY OF  
SARATOGA SPRINGS, NEW YORK  
By: Dillon Moran, City Clerk